

REMARKS

Non-Art Rejections/Objections Under 35 U.S.C. §112

In making both the objection to the specification and the rejection to the claims under section 112, Applicants respectfully submit the Examiner has overlooked the difference between weight fraction (or mole fraction) and weight percent. Applicants respectfully note that a weight fraction of 0.016 when multiplied by 100 is converted to a weight percent of 1.6 weight percent. Thus, since the hydride hydrogens, i.e. those directly bound to a silicon atom, are much lower in frequency in the structure than those bound to a carbon atom, it is consistent with the described structure that the hydride hydrogens comprise 0.05 weight percent of the molecule (0.0005 weight fraction). Accordingly, Applicants respectfully request withdrawal of the objection to the specification and withdrawal of the rejection of the claims under these grounds.

The issue of no antecedent basis for the word "non-fumed" in claim 2 has been corrected by Applicant's amendment to claim 2. Withdrawal of this ground of rejection is respectfully requested.

Art Based Rejections Under 35 U.S.C. §102(b) or (e) and/or §103(a)

The Examiner has rejected claims 1 -3, 11 - 13 and 22 as anticipated under 35 U.S.C. §102(b) by Jensen US 4,929,669 ('669).

The basis for the Examiner's rejection under 102(b) is col. 3 lines 34-55 of the '669 patent and is grounded in the chemical fact that the term peroxide as used by Applicant subsumes patentee's term vinyl-specific peroxide. As now amended, the composition requires the presence of an acetylene alcohol and therefore the Examiner's rejection has

been rendered moot. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The Examiner has rejected claims 1, 3-5, 11-13 and 19 - 20 as anticipated under 35 U.S.C. 102(e) by Conway et al US 5,859,094 ('094).

The basis for the Examiner's rejection is col. 7, lines 15 -17 of the '094 patent with a further citation to MPEP 2112.01 (which notes that if the prior art teaches the identical chemical structure, the properties disclosed by applicant are necessarily present). This rejection is respectfully traversed for the following reasons.

Rather than confining a reading of the '094 patent to the lines cited by the Examiner, Applicant respectfully directs the Examiner's attention to the beginning of the paragraph in patentee's specification where the citation is located. The opening sentence of this paragraph, col. 7 line 11, begins: '[i]nhibitors of platinum group metal-containing catalysts are well known in the organosilicone art.' The paragraph continues: "[a] preferred class of inhibitors useful in the present composition are acetylenic alcohols. . . " It is clear from just these two sentences that the context of the use the acetylenic alcohols is to inhibit noble metal catalysis of the hydrosilylation addition of a silyl hydride across the alkenyl moiety of an alkenyl silicone to form a cross-linked structure. As such Applicant respectfully submits this reference deals with a catalytic amount of such compounds.

Dealing next with the Examiner's citation to MPEP 2112.01, this citation is true insofar as it deals with the intensive properties of matter and the legal issues of inherency. When the extensive properties of matter are being dealt with, citation to the jurisprudence which forms the basis for the instruction contained in MPEP 2112.01 is technically inaccurate and legally inapposite. Because the chemical reactions leading to

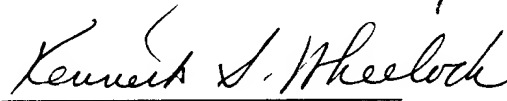
increased compression set occur in both addition cured and peroxide cured heat curable rubbers, those chemical reactions must necessarily be independent of the means of catalyzing the initial polymerization. This is because any catalytic species left over must diffuse to a reaction site in order to further catalyze any reaction. These considerations along with a consideration of diffusion through polymeric networks militate against any expectation that a catalytic amount of an acetylenic alcohol or other inhibitor for that matter would be able to effectively inhibit secondary cross linking reactions occurring post-cure. Applicant respectfully submits that the amounts used, and the claims do recite an effective amount or similar language, are beyond the purview of an amount sufficient to inhibit a catalyst. Thus the effect is unexpected. Withdrawal of this ground of rejection is respectfully requested.

The Examiner has rejected claims 14-19 as unpatentable under 35 U.S.C. §103(a) over Jensen ('669). However, as now amended, the examiner's rejection has been rendered moot. Withdrawal of this ground of rejection is respectfully requested.

The Examiner is thanked for the indication of the conditional allowability of originally presented claims 6-10, 21 and 23. Should the Examiner concur, with Applicant's assertion that all of the claims as they now stand are allowable, Applicant herewith reserves the right to file a divisional application directed to the originally presented subject matter of those claims.

Having properly traversed and rebutted the rejections on the merits and having properly amended the claims to overcome the rejections under section 112, Applicant respectfully submits that claims 1- 23, the claims currently pending, are in condition for allowance. Accordingly a notice of allowance appears to be next in order.

Respectfully submitted:

A handwritten signature in cursive script, reading "Kenneth S. Wheelock", written over a horizontal line.

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MARKED UP COPY OF THE CLAIMS

1. A curable composition comprising:
 - (a) an alkenyl terminated linear diorganopolysiloxane gum;
 - (b) an alkenyl containing diorganopolysiloxane gum;
 - (c) a precipitated silica reinforcing filler with surface area of from about 90 to 300 m²/g;
 - (d) a hydroxy terminated polysiloxane fluid;
 - (e) an organohydrogenpolysiloxane;
 - (f) an effective amount of a low compression set additive said additive comprising an acetylene alcohol; and
 - (g) an effective amount of an addition-cure catalyst.
2. The composition of claim 1, wherein the composition comprises:
 - (a) from 60 to 98 parts by weight of the alkenyl terminated linear diorganopolysiloxane gum;
 - (b) from 2 to 40 parts by weight of the alkenyl containing diorganopolysiloxane gum;
 - (c) from 10 to 200 parts by weight of the [non-fumed] precipitated silica;
 - (d) from 0.1 to 10.0 parts by weight of the hydroxy terminated polysiloxane fluid; and
 - (e) from 0.1 to 30 parts by weight of the organohydrogenpolysiloxane.
22. The composition of claim 1, wherein the low compression set additive [is] further comprises a peroxide.